

### REMARKS

This is in response to the Office Action mailed on July 13, 2004, and the references cited therewith.

Claims 45, 53, and 59 are amended, and claims 100-101 are added; as a result, claims 45-62 and 100-101 are now pending in this application.

#### §102 Rejection of the Claims

Claims 45-50, 53, 55-57, 59, 60 and 62 were rejected under 35 USC § 102(b) as being anticipated by Yamamoto (U.S. Patent No. 3,803,457).

#### Claims 45-50

Applicant has amended claim 45 to better describe the subject matter recited in the claim. Applicant believes claim 45 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference a capacitor including a first flat stack of capacitive elements where each element comprises flat anode plate and a flat cathode plate with an electrolyte interposed therebetween; and a second flat stack of capacitive elements, wherein the first and second flat stacks are enclosed in separate compartments of a capacitor case that electrically isolate the electrolytes of each flat stack from one another, as recited in claim 45. In contrast, the Yamamoto reference discusses a capacitor including a plurality of rolled cylindrical capacitors. (Abstract).

Claims 46-50 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

#### Claims 53 and 55-57

Applicant has amended claim 53 to better describe the subject matter recited in the claim. Applicant believes claim 53 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference: providing a first flat stack of capacitive elements where each element comprises flat anode plate and a flat cathode plate with an electrolyte interposed therebetween; providing a second flat stack of capacitive elements; and enclosing the first and second flat stacks in separate

compartments of a capacitor case that electrically isolate the electrolytes of each compartment., as recited in claim 53. Again, the Yamamoto reference discusses a capacitor including a plurality of rolled cylindrical capacitors.

Claims 55-57 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

Claims 59, 60, and 62

Applicant has amended claim 59 to better describe the subject matter recited in the claim. Applicant believes claim 59 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference a capacitor including a first flat stack of one or more flat capacitive elements in the first compartment; and a second flat stack of one or more flat capacitive elements in the second compartment, as recited in claim 59. As noted above, the Yamamoto reference discusses a capacitor including a plurality of rolled cylindrical capacitors.

Claims 60 and 62 include each limitation of their parent claim and are therefore also not anticipated by the cited reference. Reconsideration and allowance is respectfully requested.

§103 Rejection of the Claims

Claims 51 and 52 were rejected under 35 USC § 103(a) as being unpatentable over Yamamoto (U.S. Patent No. 3,803,457).

As noted above, parent claim 45 has been amended. Applicant believes the dependent claims are therefore not obvious since the cited reference does not include each limitation of the parent claim. Regardless, Applicant does not acquiesce in the characterizations made on page 3 of the Office Action regarding the obviousness of the subject matter of claims 51 and 52, and Applicant reserves the right to traverse the characterizations. Reconsideration and allowance is respectfully requested.

Claim 54 was rejected under 35 USC § 103(a) as being unpatentable over Yamamoto (U.S. Patent No. 3,803,457) in view of Inagawa et al (6,324,049).

Claim 54 includes each limitation of its parent claim 53. Applicant believes claim 54 is not obvious in view of the cited references since the secondary reference does not overcome the deficiencies of the primary reference discussed above. Moreover, Applicant traverses the Office Actions assertion that “it would have been obvious to modify Yamamoto ...” with a vertical stacking arrangement. There is no discussion or suggestion in Yamamoto as to how the cylindrical capacitors could be stacked vertically. Reconsideration and allowance is respectfully requested.

Claims 58 and 61 were rejected under 35 USC § 103(a) as being unpatentable over Yamamoto (U.S. Patent No. 3,803,457) in view of Yoshida (U.S. Patent No. 4,394,713).

Claims 58 and 61 include all the limitations of their respective parent claims. Applicant believes the claims are not obvious in view of the cited references since the secondary reference does not overcome the deficiencies of the primary reference discussed above. Moreover, Applicant does not acquiesce in the characterizations made on pages 3-4 of the Office Action regarding the obviousness of the subject matter of claims 58 and 61, and Applicant reserves the right to traverse the characterizations. Reconsideration and allowance is respectfully requested.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date 11/15/04

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 15 day of November, 2004.

Paula Suchy

Name

Paula Suchy

Signature